

## Department of Planning and Zoning

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### MEMORANDUM

**To:** The Design Advisory Board  
**From:** Mary O'Neil, AICP, Senior Planner  
**RE:** ZP 14-0238SP; 237 North Winooski Avenue  
**Date:** September 10, 2013

**File:** ZP 14-0238SP

**Location:** 237 North Winooski Avenue

**Zone:** NMU **Ward:** 2

**Date application accepted:**

August 29, 2013

**Applicant/ Owner:** Hot Eats,  
Cool Treats LLC / Kathy Goguen

**Estimated Construction Cost:**  
\$3,000,000

**Request:** Demolish former Dairy Queen / existing "Q-Tee-s" restaurant, redevelop site with a single building of 28 residential units and 1,500 sf commercial space. Parking is proposed to be located under the building in an open garage.

**Background:**

- **Non-applicability of Zoning Permit Requirements;** handicap ramp, 90 day temporary permit. April 2010.
- **Non-applicability of Zoning Permit Requirements;** repair front of building after auto collision into structure. February 2010.
- **Zoning Permit 08-574SN;** replace parallel sign with QTee's sign. Approved March 2008.
- **Zoning Permit 91-276;** construct sloped parapet roof on flat section of Dairy Queen. Approved March 1991.
- **Zoning Permit 86-521;** Delineate boundary line between 237 North Winooski and 42 Decatur Street. October 1986.
- **Permit #65-286;** addition to Dairy Queen. Approved October 1964.



- **Permit #65-235;** Demolish 4 apartment house. (Formerly 229-233 North Winooski Avenue). New occupancy/use; restaurant. Approved September 1964.

**Overview:** The former Dairy Queen, constructed in 1964, is proposed to be demolished and replaced with a mixed use building containing 28 residential units and 1,500 sf of commercial space. Parking is proposed to be at grade behind streetfront commercial. No building elevations have been submitted at the time of application or this staff review.

## **PART 1: LAND DIVISION DESIGN STANDARDS**

Not applicable.

## **PART 2: SITE PLAN DESIGN STANDARDS**

### **Sec. 6.2.2 Review Standards**

#### **(a)Protection of Important Natural Features:**

No details have been provided as to the existing features of the site.

#### **(b) Topographical Alterations:**

No detail has been provided about any topography or proposed changes to the site.

#### **(c)Protection of Important Public Views:**

No modeling studies or axiometric projections have been submitted to assess impacts to viewscales along the public ROW.

#### **(d) Protection of Important Cultural Resources:**

The former Dairy Queen building is not listed on the State or National Register of Historic Places.

#### **(e)Supporting the Use of Renewable Energy Resources:**

Not enough information has been submitted to assess the potential or proposed maximization of site potential for solar exposure; either by being oriented to maximize natural light and heat gain during winter months, or to minimize casting shadows into ground floor living space of a building on an adjacent property.

#### **(f) Brownfield Sites:**

None identified.

#### **(g)Provide for nature's events:**

No stormwater management plan or Small Project Sediment and Erosion Control plan has been submitted (but will be required at the time of full project application.) All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas will need to be incorporated. Without elevations and a fully developed site plan, it is difficult to assess the likelihood of meeting these standards.

**(h) Building Location and Orientation:**

*The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes.*

The site plan illustrates the building front aligned with the curb and “completing” the street front between the Multi-Gen center (241 North Winooski Avenue) and the corner residential building at 221 North Winooski Avenue.

*Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curblane and the building face to facilitate the flow of pedestrian traffic.*

Footnote 4 in Table 4.4.2-1 requires a 12’ setback from the curb. The scale is not accurate on the submitted site plan due to image reduction; therefore it is impossible to discern the actual plan setback.

*In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.*

Building elevations have not been submitted, so analysis relative to this standard cannot be completed.

*Principal buildings shall have their main entrance facing and clearly identifiable from the public street.*

Without elevations, building entrances cannot be confirmed; however an entry location is identified on floor plans, as well as commercial space which would presumably have an entrance door facing the street. This will need to be confirmed with developed elevation drawings.

*Accessory buildings shall be located in such a way so as to be deferential and secondary to the principal structure. Under no circumstances shall a parking structure – either attached or detached - be located closer to the front property line than a principal residential structure, and where a front yard setback is required, any street-facing garage wall containing garage doors shall be set back a minimum of 25’ from the front property line to prevent parked vehicles from blocking the public sidewalk.*

No accessory buildings are illustrated on the site plan – however an area marked “trash/recycling” is noted. No details have been provided. Any trash enclosure or screening (which will likely be required) will be subject to Design Review standards of this ordinance.

The parking portion of the structure is set behind the commercial use, as understood from submitted floor plans. Little else is explained – no parking space size, no circulation pattern, no

access description, no definition between standard parking spaces and compact spaces, no space numbers. Much more information will be required.

*Where a garage is not oriented towards the street (i.e. the garage doors face the rear or side of the property), the street-facing garage wall shall have windows or doors or other features that break-up the mass into smaller elements, and be blended with the character of the residential portion of the structure.*

It is not completely clear how access to the parking area will be arranged. More information will be required.

**(i) Vehicular Access:**

*Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.*

Vehicular access, existing or proposed curb cuts are not identified on the site plan, and need to be.

*Residential driveways shall be a minimum of 7 feet in width or consist of two 1.5' driveway strips. Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles. The maximum width for single or shared access driveways shall be 18'. In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines.*

Not a residential district. Not applicable.

*Driveways for commercial properties may require a traffic study to identify the impacts of the movement of traffic to and from the property, and design for safe access. Access for service and loading areas should be located behind buildings or otherwise screened from streets or public ways with landscaping or other barriers. Whether commercial or residential, shared driveways are encouraged, where possible and appropriate.*

The driveway access is not clear from the submitted site plan, so analysis is not possible. A plan for loading and service areas needs to be identified as well, to assess for screening requirements (particularly as this parcel abuts a residential district.) A traffic study may be required, as this development proposal falls immediately opposite a newly approved mixed use project which collectively will increase the amount of traffic on the street. The opinion of the city traffic engineer should be sought to determine the need for such a study. Technical review is strongly suggested for the project when it is more fully developed.

**(j) Pedestrian Access:**

*Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves*

*safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.*

No information has been submitted; no analysis can be made. A pedestrian path separate from vehicular circulation areas will be required.

**(k) Accessibility for the Handicapped:**

*Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled.*

ADA requirements will apply. It is noted that an elevator is included within the floor plan. The applicants shall work with the building inspector to confirm compliance.

**(l) Parking and Circulation:**

*To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. Any off-street parking occupying street level frontage in a Downtown Mixed Use District shall be setback from the edge of the front property line in order to provide space for active pedestrian-oriented uses. Where street-level parking is provided within an existing structure, the cars shall be screened from the sidewalk and the area shall be activated with landscaping, public art, or other design amenities. Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.*

Little information has been submitted to understand the method of parking access, circulation, or screening from the public ROW.

*Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.*

Shared access or parking does not appear to be part of this development.

*Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.*

Not enough information has been submitted to understand the parking proposed for this development: No access, no circulation, no loading areas, no parking space sizes, no handicap parking identified, no curb stops, no screening, and no pedestrian paths between parking and the building.

*Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot. Shading should be distributed throughout the parking area to the greatest extent practical, including within the interior depending on the configuration. New or substantially improved parking areas with 15 or more parking spaces shall include a minimum*

*of 1 shade tree per 5 parking spaces with a minimum caliper size of 2.5"-3" at planting. Up to a 30% waiver of the tree planting requirement may be granted by the development review board if it is found that the standard requirement would prove impractical given physical site constraints and required compliance with minimum parking requirements. All new shade trees shall be: of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist. Existing trees retained within 25-feet of the perimeter of the parking area (including public street trees), and with a minimum caliper size greater than 3-inches, may be counted towards the new tree planting requirement.*

Parking is proposed within the first level of the structure, so shading will not be a requirement.

*All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.*

*Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas. Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.*

There is an area marked "laundry/bike" which is assumed to be long term bicycle storage. Significant bicycle parking will be required with this development, and needs to be further developed prior to advanced review.

**(m) Landscaping and Fences:**

Absolutely no information has been submitted relative to the existing landscaping and any proposed landscaping plan for the development. It appears that the site is now almost completely covered (this needs to be specifically addressed in the application); but coverage limitations are 80% of the lot, and should guide the re-development. Given the intensity of residential development proposed, it would be a great amenity to provide a thoughtful and functional landscaping plan that would serve as an amenity to residents and visitors.

**(n) Public Plazas and Open Space:**

*Where public open space is provided as an amenity to the site plan, it should be sited on the parcel to maximize solar exposure, with landscaping and hardscape (including fountains, sitting walls, public art, and street furniture) to encourage its use by the public in all seasons. Public plazas should be visually and physically accessible from public rights-of-ways and building entrances where appropriate and shall be designed to maximize accessibility for all individuals, including the disabled and encourage social interaction.*

*Public space should be coordinated with the surrounding buildings without compromising safety and visibility. Public spaces should be surrounded by active uses that generate pedestrian traffic, and connect the space to major activity centers, streets, or corridors.*

While there is no identified “public plaza”, this redevelopment has the potential to provide a public meeting space / usable plaza for tenants and visitors to the commercial space. Thoughtful exploration of the streetfront, the commercial use, and site enhancements should increase the pleasantness of the site; the function of the uses, and maximize solar exposure while activating the streetscape and the proposed uses. Much more thought needs to be exercised in this area.

The applicant is also notified that the building inspector will require ADA access for the new development. Further discussion will be required with the Department of Public Works to determine extent and compliance.

*New structures and additions to existing structures shall be shaped to reduce shadows on public plazas and other publicly accessible spaces. In determining the impact of shadows, the following factors shall be taken into account: the mass of area shaded, the duration of shading, and the importance of sunlight to the utility of the type of open space being shadowed. Proposed development shall be considered for solar impact based the sun angle during the Vernal and Autumnal equinox.*

Without elevations, modeling studies or axiometric drawings, it is impossible to discern shadow impacts. More information is needed prior to application and advanced review.

**(o) Outdoor Lighting:**

*Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.*

No information submitted.

**(p) Integrate infrastructure into the design:**

*Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.*

*Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.*

*Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.*

No information submitted.

## PART 3: ARCHITECTURAL DESIGN STANDARDS

### Sec. 6.3.2 Review Standards

#### **(a) Relate development to its environment:**

*Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.*

*The following shall be considered:*

#### **1. Massing, Height and Scale:**

No information has been submitted. In the NMU zone, building height is limited to a minimum of 20' and maximum of 35'. See Table 4.4.2-1, with footnotes.

#### **2. Roofs and Rooflines.**

No information has been submitted.

#### **3. Building Openings**

*Principal entrances shall be clearly defined and readily identifiable from a public street whether by a door, a canopy, porch, or other prominent architectural or landscape features. People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an "accessible route" to the building. Attention shall also be accorded to design features which provide protection from the affects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.*

*Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.*

*Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such façade so as not to restrict future development or re-development options of the adjacent property due to fire safety code restrictions. Otherwise they should be setback a minimum of 5-feet.*

No information has been submitted.

**(b) Protection of Important Architectural Resources:**

*Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.*

The existing structure is not on the Vermont or National Register of Historic Places.

**(c) Protection of Important Public Views:**

*Development shall preserve distant terminal views of Lake Champlain and the Adirondack Mountains and important public and cultural landmarks from public places and along east-west public rights-of-way to the extent practicable. This shall not be construed to include similar views from exclusively private property.*

*Sensitivity shall be used in the massing of proposed development such that light and air is allowed to penetrate and some views may be preserved. Alternatives that extend access to such views by allowing public access into and through the proposed development are encouraged. In no case shall development be permitted to span across the public rights-of-way in such corridors.*

Without modeling studies, no assessment can be made of the appropriateness and sensitivity of the building massing.

**(d) Provide an active and inviting street edge:**

*Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. Large expanses of undifferentiated building wall shall be avoided. This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional facade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged. In areas where high volumes of pedestrian traffic are desired, the use of architectural recesses and articulations at the street-level are particularly important in order to facilitate the flow of pedestrian traffic.*

*Non-residential buildings should provide visual access into the interior of building at the street level through the use of large transparent windows and/or window displays in order to create a dynamic and engaging public streetscape. The use of mirrored, frosted, or tinted glass shall not be permitted along an active pedestrian street-level façade. In contrast, residential buildings may be slightly recessed and/or elevated from the street-level in order to provide privacy. In such cases, visual interest along the streetscape can be provided through the use of landscaping, porches, and other similar features that offer a transition between public and private space.*

*Buildings in downtown districts that provide open space by way of building setbacks at the ground level shall utilize landscaping, street furniture, public art, sitting walls, fountains, etc. to*

*maintain a sense of the existing street wall, define a sense of entry for the building and create a space that enhances the pedestrian's experience. Urban "open" space shall maximize accessibility for all individuals including the disabled, and encourage social interaction.*

No information has been submitted that would permit review for compliance with these standards.

**(e) Quality of materials:**

*All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.*

*Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.*

No information has been submitted that would permit review for compliance with these standards.

**(f) Reduce energy utilization:**

*New structures should incorporate the best available technologies and materials in order to maximize energy efficient design. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.*

*New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.*

No information has been submitted that would permit review for compliance with these standards.

**(g) Make advertising features complementary to the site:**

*Where signs and other advertising features are proposed, the applicant shall meet the requirements as per Article 7 - Signs. The size, location, design, texture, lighting, and materials of all exterior signs and advertising features shall not detract from the use and enjoyment of proposed buildings or surrounding properties. National branding through signage and architecture shall be discouraged.*

No information relative to signage has been received. Any signs will require a separate sign permit.

**(h) Integrate infrastructure into the building design:**

*Exterior machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory features shall utilize setbacks, plantings, enclosures*

*and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties.*

*Rooftop mechanicals, including heating and cooling devices and elevator equipment, should be incorporated into the structure's design, and shall be arranged to minimize their visibility from the street level. Such features, in excess of one foot in height, shall be either enclosed within the roof structure, outer building walls, or parapets, or designed so that they are integrated into the overall design and materials of the building. Where such rooftop features do not exceed ten percent (10%) of the total roof area, they may be considered "ornamental and symbolic features" pursuant to Sec. 5.2.7 for the purposes of measuring building height.*

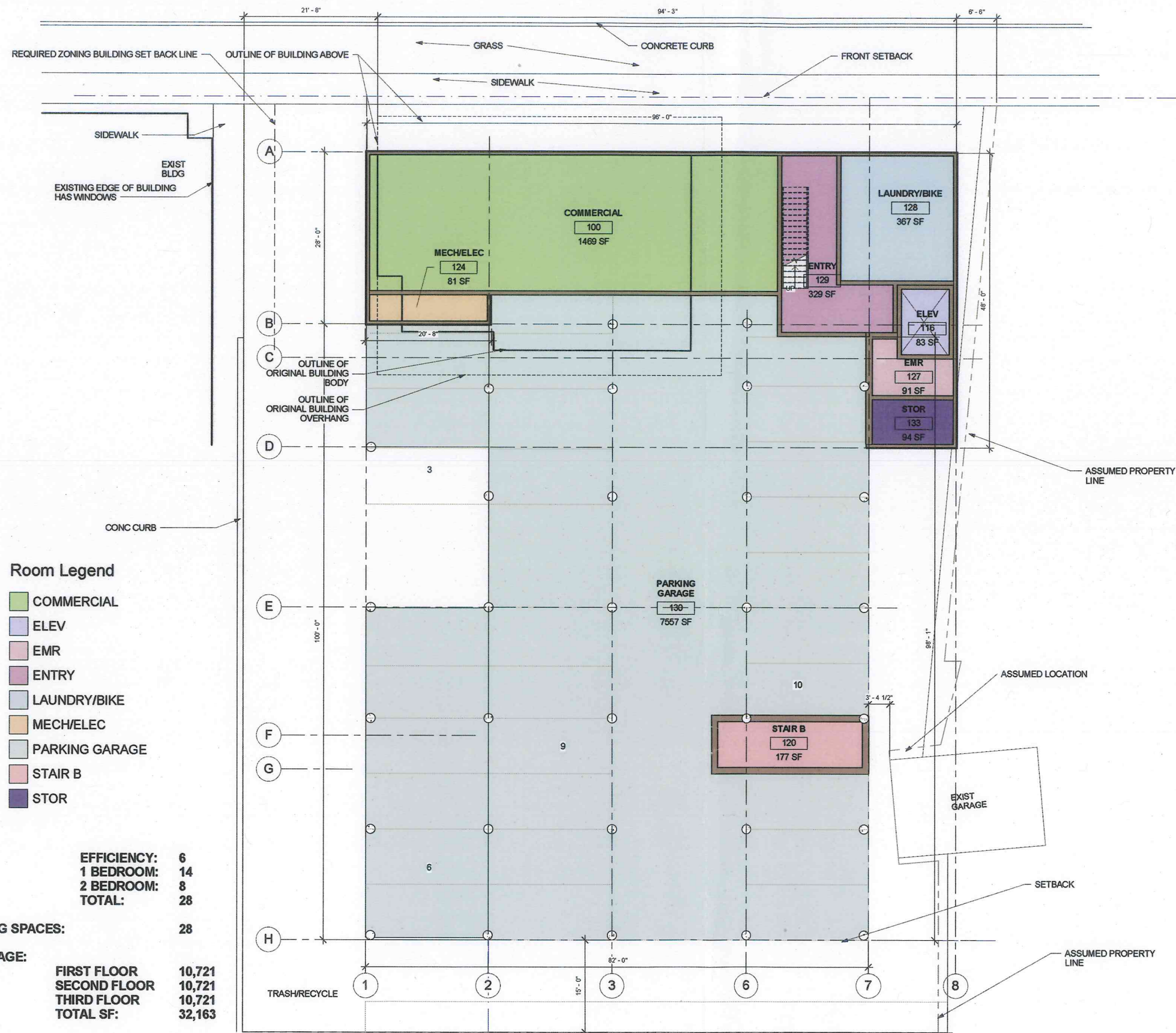
*Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.*

No information has been submitted that would permit review for compliance with these standards.

**(i) Make spaces secure and safe:**

*Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.*

No information has been submitted that would permit review for compliance with these standards. Technical review for this development is encouraged.



### Room Legend

- COMMERCIAL
- ELEV
- EMR
- ENTRY
- LAUNDRY/BIKE
- MECH/ELEC
- PARKING GARAGE
- STAIR B
- STOR

### APARTMENTS:

EFFICIENCY: 6  
1 BEDROOM: 14  
2 BEDROOM: 8  
TOTAL: 28

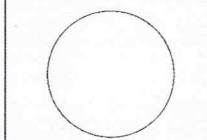
### TOTAL PARKING SPACES:

28

### SQUARE FOOTAGE:

FIRST FLOOR 10,721  
SECOND FLOOR 10,721  
THIRD FLOOR 10,721  
TOTAL SF: 32,163

① FIRST FLOOR PLAN  
1/8" = 1'-0"



project name:  
237 NORTH WINOOSKI AVENUE

OPTION B

scale: 1/8" = 1'-0"  
project no. 13-939  
checked by: \*  
drawn by: JRP  
date: 6/14/2013

Date	Revisions

sheet title:  
GROUND FLOOR PLAN

sheet no.  
A2.1

RECEIVED  
AUG 29 2013

DEPARTMENT OF  
PLANNING & ZONING

SCHEMATIC DESIGN

Room Legend

- 1 BR
- 2 BR
- CORRIDOR
- E
- ELEV
- STAIR A
- STAIR B
- UTILITY



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AUG 29 2013

DEPARTMENT OF  
PLANNING & ZONING  
SCHEMATIC DESIGN



project name:  
237 NORTH WINOOSKI AVENUE  
OPTION B

scale: 1/8" = 1'-0"  
project no. 13-939  
checked by: JRP  
drawn by: JRP  
date: 6/14/2013

Date Revisions

sheet title:  
SECOND FLOOR PLAN

sheet no.  
A2.2



Imagery Date: 5/19/2012 1999

44°29'12.76" N 73°12'34.09" W elev 73m

Eye alt 740m


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AUG 29 2013

DEPARTMENT OF  
PLANNING & ZONING

P:\AutoCAD Projects\Proposals\Orthophotos\2013 Proposals\Snyder Hoeckstra North Winooski.dwg, 6/7/2013 4:14:02 PM, Nitro PDF 24.96 pc3



SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.

10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403

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DRAWN  
JLM

CHECKED  
XXX

APPROVED  
XXX

OWNER:

**CIVIL ENGINEERING ASSOCIATES**  
10 MANSFIELD VIEW LANE  
SOUTH BURLINGTON  
VERMONT 05403

PROJECT:

**ERIK HOEKSTRA**  
  
237 & 256 NORTH WINOOSKI AVE  
BURLINGTON VERMONT

LOCATION MAP

1" = 200'

DATE	CHECKED	REVISION

EXISTING CONDITIONS SITE PLAN

DATE  
JUNE, 2013

SCALE  
1" = 20'

PROJ. NO.  
13XXX

DRAWING NUMBER

**C1.0**